



PLANNING COMMISSION FINDINGS, CONCLUSIONS & RECOMMENDATIONS

IN THE MATTER OF AMENDING THE CITY OF LIBERTY LAKE DEVELOPMENT CODE, TO REMOVE THE REQUIREMENT FOR MANUFACTURED HOMES ON INDIVIDUAL LOTS TO HAVE CARPORTS OR GARAGES AS OVERLY BURDENSOME.

PLANNING COMMISSION HEARING DATE: November 9, 2022

PROPOSAL COORDINATOR: Amy Mullerleile, Senior Planner

PROPOSAL SUMMARY:	
Location	R-1, R-1, R-3 Zones
Applicant	City of Liberty Lake
Proposal Summary	The proposed amendments will remove the requirement for new manufactured homes on individual lots to have a garage or carport constructed when nearby residences have carports and garages.
Code Chapter / Section	<p>§10-2B-3(C)(12)</p> <p>§10-2C-3(C)(11)</p> <p>§10-2D-3(C)(12)</p>
Proposed Amendment Exhibit	Exhibit A – Proposed Code Amendment

STATE OF WASHINGTON REGULATORY FRAMEWORK, AUTHORITY & REQUIREMENTS:

RCW 36.70A: Growth Management Act (GMA):

Liberty Lake is mandated to plan under GMA. The City’s Comprehensive Plan and Development Regulations were developed in accordance with the requirements of GMA. Development Regulations are required to implement the City’s Comprehensive Plan, and any amendments to City Development Code must be consistent with the City’s adopted Comprehensive Plan. The City must provide reasonable public notice of proposed amendments and opportunities for public participation.

WAC 365-196: Growth Management -- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations

Development code amendments must comply with procedures established in WAC 365-196, including rules regarding internal consistency, interjurisdictional coordination, public participation requirements, and notification to the Department of Commerce of "intent to adopt" proposed code amendments at least 60 days prior to final adoption.

WAC 197-11: State Environmental Policy Act (SEPA) Rules:

Comprehensive Plan Land Use and Zoning Designations are subject to SEPA review as a non-project action, in accordance with procedures established in WAC 197-11.

CITY OF LIBERTY LAKE REGULATORY FRAMEWORK & PROCEDURAL REQUIREMENTS:

City Code §10-4B-5: Type IV Projects:

Development Code Amendments are classified as Type IV Projects in the City of Liberty Lake Development Code and are considered legislative decisions. The procedural requirements and decision criteria are detailed in City Development Code §10-4B-5.

City Code §10-4B-5(B): Amendments to the Comprehensive Plan or Development Code Text:

Comprehensive Plan or Development Code Text changes are considered a Type IV Projects. Staff will introduce the proposed amendment to the Planning Commission at the earliest available regular meeting and provide a copy of the proposed amendment to the Planning Commission. The Planning Commission will review the proposed amendment and hold at least one public workshop and one public hearing to solicit public comment. After further review the Planning Commission will provide a formal recommendation to the City Council for approval or denial. The City Council will hold an additional public workshop and public hearing to approve, approve with modifications, or deny the Planning Commission recommendation. If approved, the amendment becomes effective five (5) days after the publication of the adopting ordinance in the official City newspaper.

SEPA REVIEW:

A SEPA Checklist was completed for the proposed 2022 Annual Comprehensive Plan & Development Code Amendments on October 4, 2022. The City of Liberty Lake Planning, Engineering & Building Services has determined that the proposal, as a non-project review, will have no significant adverse environmental impacts and issued a Determination of Non-Significance (DNS) and Adoption of Existing Environmental Documents on October 17, 2022 under the provisions of WAC 197-11-340(2). The 14-day agency comment period ended on October 31, 2022, before it took effect. The deadline for SEPA procedural appeals and appeals of the threshold determination will be November 14, 2022. No appeal of the SEPA procedure or threshold determination is anticipated.

PROCEDURAL INFORMATION:

Planning Commission Workshop on Proposed Amendment:	May 11, 2022
SEPA Notice/ Public Hearing Notice:	October 17, 2022
SEPA Comment Period Ends:	October 31, 2022
Planning Commission Hearing:	November 9, 2022
SEPA Appeal Period Ends:	November 14, 2022
City Council Public Hearing:	December 6, 2022

AGENCY REVIEW:

SEPA Distribution List & Adjacent Jurisdictions: Liberty Lake Police Department; Avista; Century Link; Central Valley School District; City of Spokane Valley; CDA Tribe; Comcast; Spokane Clean Air; Spokane Valley Fire District; Spokane Transit Authority; Spokane Regional Health District; Spokane Tribe; WS Department of Ecology; WS Department of Fish & Wildlife; WS Department of Natural Resources; WS Department of Transportation; Spokane Regional Transportation Council; Liberty Lake Water & Sewer District; Consolidated Irrigation District; Spokane County Utilities; Spokane County Planning; WS Department of Commerce.

PUBLIC COMMENT:

No public comment has been received to date.

RELEVANT COMPREHENSIVE PLAN GOALS & POLICIES:

Governance Goal 1: Actively involve residents, businesses, and property owners in the governance of the City.

Land Use Goal 1: Provide a healthful, safe, and sustainable urban environment.

Housing Goal 1: Preserve the character of existing neighborhoods and support high quality new development.

Housing Goal 2: Encourage the availability of affordable housing to all economic segments, promote a variety of densities and housing types, and encourage the preservation of existing housing stock.

Economic Development Goal 1: Maintain a healthy and sustainable local economy.

Governance Policy 1: The City shall use the website, email, social media, newsletters, local newspapers, special announcements and other techniques to keep the community well-informed.

Economic Development Policy 5: Provide consistent, fair, and timely regulations that are flexible, responsive, and effective.

STAFF ANALYSIS:

- The City’s development code allows for manufactured homes to be placed on individual lots within all residential zones as a limited use.
- Limited uses are land uses allowed in certain zones provided they comply with all the development standards of the zoning category as well as regulations that are specific to the proposed use to avoid or minimize impacts, ensure design compatibility, and control development scale.
- Manufactured homes are allowed on individual lots in residential zones provided they comply the development standards for the underlying zone as well as the following:
 - a. The manufactured home shall be multi-sectional floor plan and have an enclosed floor area of not less than 1,000 sq. ft.
 - b. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees).
 - c. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood- appearance siding is considered “superior” to metal siding and roofing)
 - d. The manufactured home shall have a garage or carport constructed of like materials when nearby residences have carports or garages. The City may require an attached or detached garage where that would be consistent with the predominant construction of immediately surrounding residences.
 - e. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling. Evidence demonstrating that the manufactured home meets “Super Good Cents” or equivalent energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturers' certification shall not be required.
 - f. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 8 inches above grade.
- Provision d. requires property owners to build a garage or carport if their neighbors have a garage or carport. If an applicant can meet all of the other standards, the construction of a garage or carport may be an overly burdensome requirement that may serve as an obstacle to otherwise permissible development, considering that there is no such requirement for site-built homes in the City’s Development Code.
- Because manufactured homes are often used as an affordable alternative to a site-built home, imposing additional and unnecessary costs may create a barrier to the development of affordable housing.

FINDINGS:

1. The required SEPA review has been completed on the proposed amendment.
2. All public and agency notice requirements were met and accomplished in a timely manner.
3. The public was provided the opportunity for early and continuous participation.
4. The public had the opportunity to submit written comments and testify at a public hearing before the Planning Commission.

CRITERIA FOR APPROVAL:

The criteria for approval of a code amendment are established in City Code §10-4B-5(A), which states:

A. Criteria for Amendment:

*The City may amend development regulations when it finds that **any** of the following applies:*

1. *Such amendment is consistent with the Comprehensive Plan and is not detrimental to the public welfare;*
2. *Change in economic, technological, or land use conditions has occurred to warrant modification;*
3. *It is found that an amendment is necessary to correct an error;*
4. *It is found that an amendment is necessary to clarify meaning or intent;*
5. *It is found that an amendment is necessary to provide for a use(s) that was not previously addressed; or*
6. *Those amendments as deemed necessary by the City Council as being in the public interest.*

CONCLUSIONS:

1. The proposed amendment **IS** consistent with the Comprehensive Plan and **IS NOT** detrimental to the public welfare.
2. The proposed amendment **IS** warranted by a change in economic, technological and/or land use conditions.
3. The proposed amendment **IS NOT** necessary to correct an error.
4. The proposed amendment **IS NOT** necessary to clarify meaning or intent.
5. The proposed amendment **IS NOT** necessary to provide for a proposed use that was not previously addressed.
6. The proposed amendment **IS** deemed necessary as being in the public interest.

RECOMMENDATION:

In the matter of an amendment to city of Liberty Lake Development Code to remove the requirement for manufactured homes on individual lots to have carports or garages, the City of Liberty Lake Planning Commission does hereby recommend to City Council that the amendment be **APPROVED**.

EXHIBIT A
PROPOSED DEVELOPMENT CODE AMENDMENTS

Proposed Amendments to City Development Code §10-2B-3(C), Limited Uses in the R-1 (Single Family Residential) Zone:

10-2B-3 Limited Uses (L)

- A. Limited Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the R-1 (Single Family Residential) District with the letter “L” are allowed in the R-1 zone if they comply with the development standards of the R-1 (Single Family Residential) District, and other applicable portions of this Code, including meeting the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as “similar” to those in the Zoning Matrix (Section 10-2A-4), may be permitted as Limited Uses. The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas, as applicable.
- B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Article 10-4G - Administrative Interpretations.
- C. Requirements for Specific R-1 Limited Uses.
- 1. Home Occupation**
 - a. Requires application for and approval of a home occupation permit as outlined in Section 10-4I-2.
 - 2. Mobile sales / concessions**
 - a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
 - b. Only permitted during special community events such as Liberty Lake Yard Sale Weekend.
 - 3. Public assembly**
 - a. Requires application for and approval of a Public Assembly Permit from the Building Official.
 - 4. Seasonal & special events**
 - a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
 - 5. Temporary construction / sales office**
 - a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
 - 6. Tower, private**
 - a. The applicant shall show that the impact area (that area in all directions equal to the private tower's height above grade) is completely on the subject property or that an easement(s) has been secured for all property in the

tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that only the City of Liberty Lake can remove the easement.

b. The tower must be accessory to a residence on the same site.

7. Child day-care center (in a church or a school)

a. Any outdoor play area shall be completely enclosed with a solid wall or fully sight obscuring fence to a minimum height of 6 feet

b. The facility shall meet Washington State childcare licensing requirements.

8. Community center / hall / club

a. Only permitted as part of an approved Planned Unit Development (PUD) Plat.

9. Accessory dwelling unit, attached

a. One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit.

b. The ADU shall be a complete, separate housekeeping unit that is within or attached to the principal unit with a common wall(s) and that meets the building code requirements for floor area and room sizes.

c. The ADU shall be clearly a subordinate part of the principal unit. In no case shall it be more than 35% of the principal unit's total livable floor area, above grade, nor more than 900 square feet, whichever is less.

d. The ADU shall not have more than 2 bedrooms.

e. A maximum of one ADU is allowed per lot. An attached ADU shall not be allowed on lots containing a detached ADU, duplex, or multi-family dwelling.

f. An ADU shall not be permitted if the principal unit is less than 1,200 square feet.

g. The ADU shall be designed in a manner so that the appearance of the principal unit remains that of a single-family residence. The ADU and its entrance shall be located in such a manner as to be unobtrusive in appearance when viewed from the front of the lot.

h. The principal unit or ADU shall be owner-occupied.

10. Accessory dwelling unit, detached

a. One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit.

b. The ADU shall be a complete, separate housekeeping unit, that meets the building code requirements for floor area and room sizes.

c. The ADU shall not be more than 35% of the principal unit's total livable floor area, above grade, nor more than 900 square feet, whichever is less.

d. The ADU shall not have more than 2 bedrooms.

e. A maximum of one ADU is allowed per lot. A detached ADU shall not be allowed on lots containing an attached ADU, duplex, or multi-family dwelling unit.

f. The ADU shall have a pitched roof with a minimum slope of 4 and 12.

g. When measured from ground level, the ridge of the ADU's pitched roof

shall not exceed 24 feet or the height of the principal unit, whichever is less.

- h. Detached ADU's shall not be allowed on lots that are less than 8,000 square feet in size.
- i. The ADU shall be designed in a manner so that the appearance of the lot remains that of a single-family residential lot. The detached ADU shall be unobtrusive in appearance when viewed from the front of the lot. A minimum 6 foot sight-obscuring fence shall be required to buffer a detached ADU from adjacent lots, unless waived in acknowledged writing by abutting property owners.
- j. The principal unit or ADU shall be owner-occupied.
- k. Home occupations will be allowed within the detached accessory dwelling unit.

11. Dwelling, single family attached townhomes

- a. Within the R-1 Residential District, the maximum number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed 4 units, or 160 feet (from end-wall to end-wall), whichever is less.
- b. As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the standards in Article 10-3B - Access and Circulation.
- c. When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet.
- d. The maximum allowable driveway width facing the street is 24 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot wide unit may have one 12-foot wide recessed garage facing the street.
- e. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the
- f. Developer shall record an access and maintenance easement/agreement to

12. Manufactured homes on individual lots

- a. The manufactured home shall be multi-sectional floor plan and have an enclosed floor area of not less than 1,000 sq. ft.
- b. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees).
- c. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar to the exterior siding and roof material used on nearby residences.
- d. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling. Evidence demonstrating that the manufactured home meets "Super Good Cents" or equivalent energy

Deleted: <#>The manufactured home shall have a garage or carport constructed of like materials when nearby residences have carports or garages. The City may require an attached or detached garage where that would be consistent with the predominant construction of immediately surrounding residences.¶

efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturers' certification shall not be required.

- e. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 8 inches above grade.

13. Small Wireless Facilities

- a. Siting Hierarchy.
 - i. Collocation on existing or replacement non-wooden light poles, buildings or structures adjacent to the zoning district boundary is the preferred siting location.
 - ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, collocation on existing or replacement utility poles, buildings or other structures within a neighborhood park, or other existing light poles, or buildings within the zoning district shall be allowed.
 - iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, a wireless only pole shall be permitted.
- b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.
- d. A Small Wireless Facility Permit is required, as detailed in City Development Code §10-4I-4.

Proposed Amendments to City Development Code §10-2C-3(C), Limited Uses in the R-2 (Mixed Residential) Zone:

10-2C-3 Limited Uses (L)

- A. Limited Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the R-2 (Mixed Residential) District with the letter "L" are allowed in the R-2 zone if they comply with the development standards of the R-2 (Mixed Residential) District, and other applicable portions of this Code, including meeting the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted as Limited Uses. The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas, as applicable.
- B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Article 10-4G - Administrative Interpretations.

C. Requirements for Specific R-2 Limited Uses.

1. Home Occupation

- a. Requires application for and approval of a home occupation permit as outlined in Section 10-4I-2.

2. Mobile sales / concessions

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Only permitted during special community events such as Liberty Lake Yard Sale Weekend.

3. Public assembly

- a. Requires application for and approval of a Public Assembly Permit from the Building Official.

4. Seasonal & special events

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.

5. Temporary construction / sales office

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.

6. Tower, private

- a. The applicant shall show that the impact area (that area in all directions equal to the private tower's height above grade) is completely on the subject property or that an easement(s) has been secured for all property in the tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that only the City of Liberty Lake can remove the easement.
- b. The tower must be accessory to a residence on the same site.

7. Accessory dwelling unit, attached

- a. One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit.
- b. The ADU shall be a complete, separate housekeeping unit that is within or attached to the principal unit with a common wall(s) and that meets the building code requirements for floor area and room sizes.
- c. The ADU shall be clearly a subordinate part of the principal unit. In no case shall it be more than 35% of the principal unit's total livable floor area, above grade, nor more than 900 square feet, whichever is less.
- d. The ADU shall not have more than 2 bedrooms.
- e. A maximum of one ADU is allowed per lot. An attached ADU shall not be allowed on lots containing a detached ADU, duplex, or multi-family dwelling.
- f. An ADU shall not be permitted if the principal unit is less than 1,200 square feet.
- g. The ADU shall be designed in a manner so that the appearance of the principal unit remains that of a single-family residence. The ADU and its

entrance shall be located in such a manner as to be unobtrusive in appearance when viewed from the front of the lot.

- h. The principal unit or ADU shall be owner-occupied.

8. Accessory dwelling unit, detached

- a. One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit.
- b. The ADU shall be a complete, separate housekeeping unit, that meets the building code requirements for floor area and room sizes.
- c. The ADU shall not be more than 35% of the principal unit's total livable floor area, above grade, nor more than 900 square feet, whichever is less.
- d. The ADU shall not have more than 2 bedrooms.
- e. A maximum of one ADU is allowed per lot. A detached ADU shall not be allowed on lots containing an attached ADU, duplex, or multi-family dwelling unit.
- f. The ADU shall have a pitched roof with a minimum slope of 4 and 12.
- g. When measured from ground level, the ridge of the ADU's pitched roof shall not exceed 24 feet or the height of the principal unit, whichever is less.
- h. Detached ADU's shall not be allowed on lots that are less than 8,000 square feet in size.
- i. The ADU shall be designed in a manner so that the appearance of the lot remains that of a single-family residential lot. The detached ADU shall be unobtrusive in appearance when viewed from the front of the lot. A minimum 6 foot sight-obscuring fence shall be required to buffer a detached ADU from adjacent lots, unless waived in acknowledged writing by abutting property owners.
- j. The principal unit or ADU shall be owner-occupied.
- k. Home occupations will be allowed within the detached accessory dwelling unit.

9. Dwelling, multi-family (see #10) below for three-family triplex)

The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

- a. The maximum width or length of a multiple family building shall not exceed 160 feet (from end-wall to end-wall);
- b. Multi-family dwellings shall comply with Article 10-3B - Access and Circulation.
- c. Common open space. Inclusive of required setback yards, a minimum of 20 percent of the site area shall be designated and permanently reserved as usable common open space in multi-family dwellings with 4 or more units. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Critical areas and historic buildings or landmarks

open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.

- d. Private open space. Private open space areas shall be oriented toward common open space areas and away from adjacent single family residences, trash receptacles, parking, and drives to the greatest extent practicable;
- e. Private open space ground floor units. All ground-floor housing units shall have front or rear patios or decks measuring at least 35 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);
- f. Private open space upper-floor units. A minimum of 75 percent of all upper-floor housing units shall have balconies or porches measuring at least 35 square feet. Upper-floor housing means housing units which are more than 5 feet above the finished grade.

10. Dwelling, single family attached townhomes, Dwelling, two-family duplex, & Dwelling, multi-family (three-family triplex)

- a. The maximum number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed 4 units, or 160 feet (from end-wall to end-wall), whichever is less.
- b. As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the standards in Article 10-3B - Access and Circulation.
- c. When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet.
- d. The maximum allowable driveway width facing the street is 24 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot wide unit may have one 12-foot wide recessed garage facing the street.
- e. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.
- f. "Common areas" (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval, to check for common area maintenance provisions.

11. Manufactured homes on individual lots

- a. The manufactured home shall be multi-sectional floor plan and have an enclosed floor area of not less than 1,000 sq. ft.

- b. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees).
- c. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood- appearance siding is considered “superior” to metal siding and roofing).
- d. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling. Evidence demonstrating that the manufactured home meets “Super Good Cents” or equivalent energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturers’ certification shall not be required.
- e. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 8 inches above grade.

Deleted: <#>The manufactured home shall have a garage or carport constructed of like materials when nearby residences have carports or garages. The City may require an attached or detached garage where that would be consistent with the predominant construction of immediately surrounding residences.¶

12. Manufactured home park

- a. Manufactured home parks are permitted on parcels of one (1) acre or larger.
- b. The minimum size pad or space for each home is 2,500 square feet, provided that the overall density of the park does not exceed 12 units per acre. Each space shall be at least 30 feet wide.
- c. The minimum setback between park structures and abutting properties is 5 feet. The minimum setback between park structures and public street right-of- way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built which serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.
- d. When manufactured homes are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a 6 foot wide landscape buffer between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.
- e. The manufactured homes shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees).
- f. The manufactured homes shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood- appearance siding is considered “superior” to metal siding and roofing)
- g. Associated uses permitted within manufactured home parks - Single family residences, manufactured home park manager’s office, home occupations, and accessory structures which are necessary for the

operation and maintenance of the manufactured home park (e.g., landscape maintenance). Home occupations shall comply with Section 10-4I-2 - Home Occupations.

13. Specialty housing (independent senior, assisted living, nursing home, convalescent home, Alzheimer's facilities)

- a. All specialty housing shall be duly licensed by the State of Washington, if required by the State.
- b. A minimum of one parking space shall be provided for each employee and typical number of visitors, in accordance with Article 10-3D-3 - Parking requirements.

14. Zero-lot line (single family courtyard home)

"Zero-lot line" houses are subject to the same standards as single family housing, except that a side yard setback is not required on one side of a typical lot and usable outdoor living areas are provided in rear and side-oriented courtyards.

This type of housing is only permitted within approved Zero Lot Line Planned Unit Developments (PUD's). The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance:

- a. Zero lot line homes are required to have 6 feet between structures;
- b. The Zoning Administrator shall approve the minimum rear and front setbacks and they shall be drafted on the final PUD Plat;
- c. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lots; and
- d. The building placement, landscaping, and/or design of windows on the non zero lot line sides of the structure shall provide a buffer for the occupants of abutting lots. The side of the building which is located on the property line, cannot have any openings (vents, windows, doors, etc.), nor an eave that overhangs the property line.

15. Small Wireless Facilities

- a. Siting Hierarchy.
 - i. Collocation on existing or replacement non-wooden light poles, buildings or structures adjacent to the zoning district boundary is the preferred siting location.
 - ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, collocation on existing or replacement utility poles, buildings or other structures within a neighborhood park, or other existing light poles, or buildings within the zoning district shall be allowed.
 - iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, a wireless only pole shall be permitted.

- b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small wireless facilities.

Proposed Amendments to City Development Code §10-2D-3(C), Limited Uses in the R-3 (Multi-Family Residential) Zone:

10-2D-3 Limited Uses (L)

- A. Limited Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the R-3 (Multi-Family Residential) District with the letter “L” are allowed in the R-3 zone if they comply with the development standards of the R-3 (Multi-Family Residential) District, and other applicable portions of this Code, including meeting the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as “similar” to those in the Zoning Matrix (Section 10-2A-4), may be permitted as Limited Uses. The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas, as applicable.
- B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Article 10-4G - Administrative Interpretations.
- C. Requirements for Specific R-3 Limited Uses.
 - 1. **Home Occupation**
 - a. Requires application for and approval of a home occupation permit as outlined in Section 10-4I-2.
 - 2. **Mobile sales / concessions**
 - a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
 - b. Only permitted during special community events such as Liberty Lake Yard Sale Weekend.
 - 3. **Parking structure**
 - a. Parking structures shall be accessed from an alley, placed underground, placed within buildings, or located behind or to the side of a building.
 - b. Parking structure entrances facing a street shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, parking structure entrances shall be oriented to a side-street (i.e., away from the arterial or collector street) when vehicle access cannot be provided from an alley.
 - 4. **Public assembly**
 - a. Requires application for and approval of a Public Assembly Permit from the Building Official.
 - 5. **Seasonal and special events**
 - a. Requires application for and approval of a Temporary Use Permit as

outlined in Section 10-4I-1.

6. Temporary construction / sales office

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.

7. Tower, private

- a. The applicant shall show that the impact area (that area in all directions equal to the private tower's height above grade) is completely on the subject property or that an easement(s) has been secured for all property in the tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that only the City of Liberty Lake can remove the easement.
- b. The tower must be accessory to a residence on the same site.

8. Accessory dwelling unit, attached

- a. One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit
- b. The ADU shall be a complete, separate housekeeping unit that is within or attached to the principal unit with a common wall(s) and that meets the building code requirements for floor area and room sizes.
- c. The ADU shall be clearly a subordinate part of the principal unit. In no case shall it be more than 35% of the principal unit's total livable floor area, above grade, nor more than 900 square feet, whichever is less.
- d. The ADU shall not have more than 2 bedrooms.
- e. A maximum of one ADU is allowed per lot. An attached ADU shall not be allowed on lots containing a detached ADU, duplex, or multi-family dwelling.
- f. An ADU shall not be permitted if the principal unit is less than 1,200 square feet.
- g. The ADU shall be designed in a manner so that the appearance of the principal unit remains that of a single-family residence. The ADU and its entrance shall be located in such a manner as to be unobtrusive in appearance when viewed from the front of the lot.
- h. The principal unit or ADU shall be owner-occupied.

9. Accessory dwelling unit, detached

- a. One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit
- b. The ADU shall be a complete, separate housekeeping unit, that meets the building code requirements for floor area and room sizes.
- c. The ADU shall not be more than 35% of the principal unit's total livable floor area, above grade, nor more than 900 square feet, whichever is less.
- d. The ADU shall not have more than 2 bedrooms.
- e. A maximum of one ADU is allowed per lot. A detached ADU shall not be allowed on lots containing an attached ADU, duplex, or multi-family dwelling unit.

- f. The ADU shall have a pitched roof with a minimum slope of 4 and 12.
- g. When measured from ground level, the ridge of the ADU's pitched roof shall not exceed 24 feet or the height of the principal unit, whichever is less.
- h. Detached ADU's shall not be allowed on lots that are less than 8,000 square feet in size.
- i. The ADU shall be designed in a manner so that the appearance of the lot remains that of a single-family residential lot. The detached ADU shall be unobtrusive in appearance when viewed from the front of the lot. A minimum 6 foot sight-obscuring fence shall be required to buffer a detached ADU from adjacent lots, unless waived in acknowledged writing by abutting property owners.
- j. The principal unit or ADU shall be owner-occupied.
- k. Home occupations will be allowed within the detached accessory dwelling unit.

10. Dwelling, multi-family (see #13 below for three-family triplex)

The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

- a. The maximum width or length of a multiple family building shall not exceed 160 feet (from end-wall to end-wall);
- b. Multi-family dwellings shall comply with Article 10-3B - Access and Circulation.
- c. Common open space. Inclusive of required setback yards, a minimum of 20 percent of the site area shall be designated and permanently reserved as usable common open space in multi-family dwellings with 4 or more units. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Critical areas and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.
- d. Private open space. Private open space areas shall be oriented toward common open space areas and away from adjacent single family residences, trash receptacles, parking, and drives to the greatest extent practicable;
- e. Private open space ground floor units. All ground-floor housing units shall have front or rear patios or decks measuring at least 35 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);
- f. Private open space upper-floor units. A minimum of 75 percent of all upper- floor housing units shall have balconies or porches measuring at least 35 square feet. Upper-floor housing means housing units which are more than 5 feet above the finished grade.

11. Dwelling, single family attached townhomes, Dwelling, two-family duplex, & Dwelling, multi-family (three-family triplex)

- a. The maximum number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed 4 units, or 160 feet (from end-wall to end-wall), whichever is less
- b. As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the standards in Article 10-3B - Access and Circulation.
- c. When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet
- d. The maximum allowable driveway width facing the street is 24 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot wide unit may have one 12-foot wide recessed garage facing the street.
- e. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.
- f. "Common areas" (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval, to check for common area maintenance provisions.

12. Manufactured homes on individual lot

- a. The manufactured home shall be multi-sectional floor plan and have an enclosed floor area of not less than 1,000 sq. ft.
- b. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees).
- c. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing)
- d. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling. Evidence demonstrating that the manufactured home meets "Super Good Cents" or equivalent energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturers' certification shall not be required.
- e. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 8 inches above grade.

13. Manufactured home park

- a. Manufactured home parks are permitted on parcels of one (1) acre or

Deleted: <#>The manufactured home shall have a garage or carport constructed of like materials when nearby residences have carports or garages. The City may require an attached or detached garage where that would be consistent with the predominant construction of immediately surrounding residences.¶

larger.

- b. The minimum size pad or space for each home is 2,500 square feet, provided that the overall density of the park does not exceed 12 units per acre. Each space shall be at least 30 feet wide.
- c. The minimum setback between park structures and abutting properties is 5 feet. The minimum setback between park structures and public street right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built which serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.
- d. When manufactured homes are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a 6 foot wide landscape buffer between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.
- e. The manufactured homes shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees).
- f. The manufactured homes shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood- appearance siding is considered "superior" to metal siding and roofing)
- g. Associated uses permitted within manufactured home parks - Single family residences, manufactured home park manager's office, home occupations, and accessory structures which are necessary for the operation and maintenance of the manufactured home park (e.g., landscape maintenance). Home occupations shall comply with Section 10-4I-2 - Home Occupations.

14. Specialty housing (independent senior, assisted living, nursing home, convalescent home, Alzheimer's facilities)

- a. All specialty housing shall be duly licensed by the State of Washington, if required by the State.
- b. A minimum of one parking space shall be provided for each employee and typical number of visitors, in accordance with Article 10-3D-3 - Parking requirements.

15. Zero-lot line (single family courtyard home)

"Zero-lot line" houses are subject to the same standards as single family housing, except that a side yard setback is not required on one side of a typical lot and usable outdoor living areas are provided in rear and side-oriented courtyards.

This type of housing is only permitted within approved Zero Lot Line Planned Unit Developments (PUD's). The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance:

- a. Zero lot line homes are required to have 6 feet between structures;
- b. The Zoning Administrator shall approve the minimum rear and front setbacks and they shall be drafted on the final PUD Plat;
- c. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lots; and
- d. The building placement, landscaping, and/or design of windows on the non zero lot line sides of the structure shall provide a buffer for the occupants of abutting lots. The side of the building which is located on the property line, cannot have any openings (vents, windows, doors, etc.), nor an eave that overhangs the property line.

16. Small Wireless Facilities

- a. Siting Hierarchy.
 - i. Collocation on existing or replacement non-wooden light poles, buildings or structures adjacent to the zoning district boundary is the preferred siting location
 - ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, collocation on existing or replacement utility poles, buildings or other structures within a neighborhood park, or other existing light poles, or buildings within the zoning district shall be allowed.
 - iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, a wireless only pole shall be permitted.
- b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.
- d. A Small Wireless Facility Permit is required, as detailed in City Development Code §10-4I-4.